

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA	)	
	)	
	)	No. 3:05-CR-99
V.	)	(PHILLIPS/SHIRLEY)
	)	
	)	
CLAUDE MATTRESS	)	

MEMORANDUM AND ORDER

The defendant appeared on a revocation hearing of his pretrial release on March 31, 2006. Steven Cook, Assistant United States Attorney, was present representing the government and Paula Voss, Assistant Federal Defender, was present representing the defendant.

The defendant was released pursuant to an Order Setting Conditions of Release on September 8, 2005. Conditions of defendant's release included (7)(a) that he report to Pretrial Services as directed, (7)(i) that he not change his address without prior permission from Pretrial Services, travel is restricted to Eastern District of Tennessee unless prior permission is obtained from Pretrial Services, (7)(q) that he shall submit to any method of drug testing and treatment as directed and required by Pretrial Services.

A Petition for Action on Conditions of Pretrial Release has been filed by defendant's pretrial services officer on October 18, 2005, stating the following violations: that the defendant failed to report to Pretrial Services as directed on September 12, 19, 26, and October 3, 11, and 17, 2005; the defendant has not resided at his sister's place of residency since the time of his release as mandated; and the defendant failed to report for his drug testing on September 12, 19, 26, and October 3, 10, 11, and 17 as required.

At the 18 U.S.C. § 3148 hearing on March 31, 2006, the defendant admitted to

these violations and along with his attorney, Paula Voss, stated he wished to waive his right to a revocation hearing and the defendant and his attorney signed the appropriate waiver.

Defendant also acknowledged this admission and waiver meant he would remain in custody pending trial or plea.

Accordingly, this Court finds that pursuant to 18 U.S.C. § 3148, that there is clear and convincing evidence that the defendant has violated the specific conditions of his release. The Court also finds that there no conditions or combination of conditions of release will assure that the defendant will not flee or pose a danger to the safety of another person and that the defendant is unlikely to abide by any conditions or combination of conditions of release. Therefore, the order setting conditions of release is hereby **REVOKED** and the defendant is ordered detained and remanded to the custody of the United States Marshal pending his change of plea on **April 3, 2006**, at **1:00 p.m.**, before the **Honorable Thomas W. Phillips**, United States District Judge.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge